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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) No. CR 12-00155 EMC
12 Plaintiff,)
13 v.) STIPULATION AND ~~[PROPOSED]~~
14 JAVIER FRANCISCO REYES,) ORDER MODIFYING MOTION
15 Defendant.) BRIEFING AND HEARING DATES
16) AND EXCLUDING ADDITIONAL
17) TIME FROM AUGUST 29, 2012 TO
18) SEPTEMBER 26, 2012
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26)

19 **STIPULATION**

20 The Court previously set a briefing schedule on defendant's motion with a hearing date of
21 August 29, 2012. For reasons relating to continuity of counsel and effective preparation of counsel,
22 undersigned defense counsel requests that the hearing date be continued to September 26, 2012 with
23 the reply brief due September 19, 2012 (undersigned counsel was originally going to request a three-
24 week continuance but has an evidentiary hearing scheduled before Judge Alsup on September 19,
25 2012). The government has no objection to this request.

26 Time until August 29, 2012 has previously been excluded by court order. The parties also

1 agree that the time between August 29, 2012 and September 26, 2012 (or some date thereafter
2 convenient to the Court) should be excluded under the Speedy Trial Act; the continuance is
3 necessary for effective preparation of counsel and continuity of counsel, 18 U.S.C. § 3161(h)(7)(A)
4 and (h)(7)(B)(iv), and the ends of justice served by granting such a continuance outweigh the best
5 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

6 SO STIPULATED.

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8 Dated: 8/20/12

MELINDA HAAG
United States Attorney

10 /s/
11 J. MARK KANG
12 Special Assistant United States Attorney

13 Dated: 8/20/12

14 /s/
15 SHAWN HALBERT
16 Attorney for Defendant

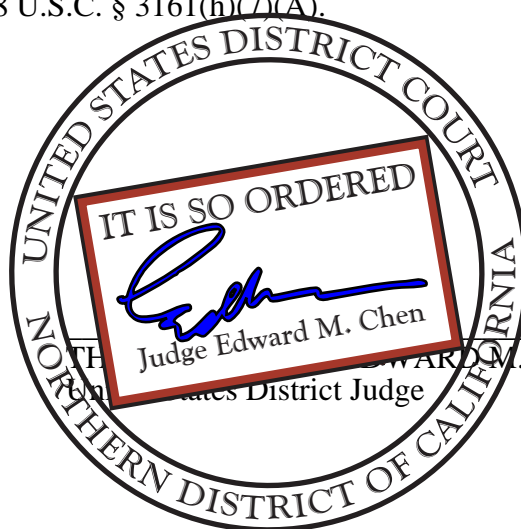
~~[PROPOSED]~~ ORDER

For the reasons stated above, the Court modifies the motion briefing and hearing date as follows: Defendant shall file his reply motion by September 19, 2012 and the Court will hear the motion on September 26, 2012 at 2:30 p.m. [~~or _____, 2012~~].

IT IS FURTHER ORDERED that the time between August 29, 2012 and September 26, 2012 should be excluded under the Speedy Trial Act; the continuance is necessary for effective preparation of counsel and continuity of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED.

DATED: August 20, 2012



Judge Edward M. Chen
United States District Judge